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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,692	08/03/2006	Karl-Josef Ollfisch	278071US6PCT	4126
22850	7590	07/28/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER SZEWCZYK, CYNTHIA	
			ART UNIT 1791	PAPER NUMBER
			NOTIFICATION DATE 07/28/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/550,692	Applicant(s) OLLFISCH ET AL.	
	Examiner CYNTHIA SZEWCZYK	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/23/06, 9/27/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the initial office action for OLLIFISCH et al. Application No. 10/550,692 filed September 27, 2005.
2. Claims 16-30 are currently pending and have been considered.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
4. Claims 16-19 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
5. In claim 16, it is unclear whether it is the glass sheet or transfer former whose outside dimensions are smaller than those of an area enclosed by the concave bending frame.
6. In claims 16-19 and 25, the phrase "the glass sheets" makes it unclear to which "glass sheets" is being referred. It is not clear whether it is the prebent glass sheets or transferred glass sheets.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

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said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 16-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over BALDUIN et al. (US 2004/0129028 A1).

BALDUIN teaches a method and device for bending glass panes.

BALDUIN teaches that the glass is laid on a concave bending frame (3 in figures) and the glass is prebent under gravity (para. 008, lines 1-4) as the concave bending frame in instant claims 16 and 25. BALDUIN shows that the glass is transferred onto another concave frame (5 in figures) as the transfer former in instant claims 16 and 25. BALDUIN shows that the glass is moved to another concave frame (7 in figures) as the final bending former in instant claims 16 and 25. Figures 1-6 of BALDUIN show that the bending frames are arranged vertically above each other and move in vertical directions as in instant claim 16. It would have been obvious that the softened hot glass sheet (para. 0050, lines 13-14) placed on the final bending frame would continue to sag until cooled and solidified, as in instant claim 16. BALDUIN discloses that the forming frames may be used as transport means (para. 0024, lines 3-5), and would therefore be

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capable of being carried to the cooling station on the final bending station to the cooling area (para. 0050, lines 13-19) as in instant claims 16 and 25. BALDUIN discloses that the prebending frame can be a forming frame, wherein the transfer former is a solid mold that can pass through it (para. 0024, lines 5-12) which would mean that the dimensions of the transfer former must be smaller than the dimensions of the prebending former and final bending former as in instant claims 16 and 25.

BALDUIN discloses that the molds are able to move height wise by an operating device (para. 0041, line 6), which obviously could be a drive as in instant claim 25. BALDUIN discloses that the glass is brought to the softening temperature in a furnace (para. 0039, line 6) as in instant claim 25.

BALDUIN discloses that a pressure difference is applied across the transfer former (para.0048, lines 1-7) as in instant claims 17 and 20.

It would have been obvious that the softened hot glass sheet (para. 0050, lines 13-14) placed on the final bending frame would continue to sag until cooled, as in instant claim 18.

BALDUIN discloses that there exists an upper former complementary in shape (4 in figures) that is used to press bend the glass (para. 0046, lines 7-10) as in instant claims 19 and 28.

BALDUIN discloses that the method and apparatus is used for bending pairs of glass (abstract) as in instant claim 23. It would have been obvious that the method and apparatus would have been capable of bending single panes of

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glass as in instant claim 21 since molds are commonly used to shape single panes of glass.

BALDUIN discloses that the shaped glass is cooled when the shaping is complete (para. 0050, lines 17-18) as in instant claim 24. BALDUIN is silent as to the cooling method, but any well known method of cooling could be applied. One such method of cooling is known as quenching, in which the glass is cooled rapidly and thus toughened as in instant claim 22. It would have been obvious to quench the glass of BALDUIN because BALDUIN discloses that the glass is typically used for windshields (para 001, lines 8-9) which require toughened glass in order to protect the driver during accidents.

BALDUIN discloses that the transfer former produces a depression (para. 0045, lines 14-16) as in instant claim 26.

BALDUIN discloses that the transfer former is a solid concave surface (para. 0018, line 5) as in instant claim 27.

BALDUIN discloses that the upper former helps produce a pressure differential by keeping the top of the glass sheets at atmospheric pressure while a depression is applied to the transfer former (para. 0047, lines 8-11) as in instant claim 29.

BALDUIN discloses that the upper former is a convex surface (para. 0040, lines 1-2) as in instant claim 30. Figures 1-6 of BALDUIN show that the upper former appears to have a solid surface.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CYNTHIA SZEWCZYK whose telephone number is (571)270-5130. The examiner can normally be reached on Monday through Thursday 7:30 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven Griffin can be reached on (571) 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CS

/ Carlos Lopez/

Primary Examiner, Art Unit 1791